

## House File 2121 - Introduced

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### A BILL FOR

1 An Act relating to the assessment of court costs when a  
2 citation for driving without proof of financial liability  
3 coverage is dismissed within twenty-four hours of issuance  
4 of the citation.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.20B, subsection 4, paragraph c, Code  
2 2011, is amended to read as follows:

3 c. An owner or driver cited for a violation of subsection  
4 1, who produces to the clerk of court prior to the date of the  
5 person's court appearance as indicated on the citation proof  
6 that financial liability coverage was in effect for the motor  
7 vehicle at the time the person was stopped and cited, shall not  
8 be convicted of such violation and the citation issued shall be  
9 dismissed by the court. ~~Upon~~ If such proof is presented more  
10 than twenty-four hours after issuance of the citation, upon  
11 dismissal, the court or clerk of court shall assess the costs  
12 of the action against the defendant named on the citation.

13 Sec. 2. Section 321.20B, subsection 5, paragraph b, Code  
14 2011, is amended to read as follows:

15 b. Issue a citation. An owner or driver who produces  
16 to the clerk of court prior to the date of the person's  
17 court appearance as indicated on the citation proof that the  
18 financial liability coverage was in effect for the motor  
19 vehicle at the time the person was stopped and cited, or if  
20 the driver is not the owner of the motor vehicle, proof that  
21 liability coverage was in effect for the driver with respect  
22 to the motor vehicle being driven at the time the driver was  
23 stopped and cited in the same manner as if the motor vehicle  
24 were owned by the driver, shall be given a receipt indicating  
25 that proof was provided, and the citation issued shall be  
26 dismissed by the court. ~~Upon~~ If such proof is presented more  
27 than twenty-four hours after issuance of the citation, upon  
28 dismissal, the court or clerk of court shall assess the costs  
29 of the action against the defendant named on the citation.

30 EXPLANATION

31 Under current law, a person is prohibited from operating a  
32 motor vehicle unless there is financial liability coverage in  
33 effect for the vehicle and the person has in the vehicle the  
34 proof of financial liability card issued for the vehicle or, if  
35 the vehicle is registered in another state, other evidence that

1 financial liability coverage is in effect for the vehicle. A  
2 violation is a simple misdemeanor, punishable by a scheduled  
3 fine of \$250. If the citation is issued in connection with  
4 an accident, the scheduled fine is \$500. Prior to the date  
5 of the person's scheduled court appearance, if the driver or  
6 the owner of the vehicle produces to the clerk of court proof  
7 that financial liability coverage was in effect for the motor  
8 vehicle at the time the person was stopped and cited, the  
9 citation is dismissed; however, the person is still assessed  
10 the court costs associated with the action.

11 The bill provides that if the driver or the owner of the  
12 motor vehicle produces to the clerk of court proof that  
13 financial liability coverage was in effect for the motor  
14 vehicle at the time the driver was stopped and cited within 24  
15 hours of the issuance of the citation, the citation shall be  
16 dismissed, with no assessment of court costs. If more than 24  
17 hours passes before the driver or owner produces the required  
18 proof of financial liability coverage, the citation shall be  
19 dismissed, but court costs shall be assessed.